

Message Text

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70

ORIGIN SS-30

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DRAFTED BY L/ARA:DAGANTZ:TREASURY:RGOODMAN:LMS

APPROVED BY IO:JMCDONALD

L:CEMAW

L:SMSCHWEBEL

EB/IFD/OIA:MKENNEDY

ARA:JKUBISCH

TREASURY:MBRADFIELD

S/S -O: G. TWOHIE

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O 160038Z FEB 74

FM SECSTATE WASHDC

TO USMISSION GENEVA IMMEDIATE

C O N F I D E N T I A L STATE 032242

EXDIS

E.O. 11652: GDS

TAGS: UNCTAD, EGEN

SUBJ: UNCTAD: CHARTER OF ECONOMIC RIGHTS AND DUTIES OF
STATES - TRANSNATIONAL CORPORATIONS

REFS: A. GENEVA 841

B. STATE 26725

1. THIS IS IN RESPONSE TO YOUR REQUEST FOR COMMENTS ON LANGUAGE RELATING TO AVOIDING CONFLICTS OF LAW (PARA 2, REF A). WE ARE SUGGESTING BELOW ALTERNATIVE LANGUAGE WHICH, IN OUR VIEW, EXPRESSES THE DESIRED PRINCIPLE WHILE RETAINING FOR THE UNITED STATES SUFFICIENT FLEXIBILITY TO CARRY OUT POLICIES CONSISTENT WITH OUR NATIONAL INTEREST. WE HAVE NO OBJECTION TO YOUR INTRODUCING THIS CONCEPT DURING CURRENT SESSION IN GENEVA PROVIDED THAT YOU FOLLOW THE LINES OF TEXT PARA 2 BELOW. YOU MAY WISH TO CONSIDER HOLDING BACK ANY SPECIFIC LANGUAGE UNTIL YOU ARE AUTHORIZED TO TABLE MNC DRAFT REF B (SEE SEPTTEL).
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2. TEXT READS AS FOLLOWS: QTE THE GOVERNMENTS OF INVESTOR DOMICILE AND OF THE COUNTRIES IN WHICH MNC'S ARE OPERATING SHALL COOPERATE IN GOOD FAITH TO RESOLVE CONFLICTS OF JURISDICTION IN THE APPLICATION OF THEIR LAWS TO MNC'S,

DUE REGARD BEING PAID TO INTERNATIONAL LAW AND THE INTERESTS
OF EACH COUNTRY. IN THIS PROCESS OF COOPERATION, THE
GOVERNMENTS OF INVESTOR DOMICILE SHALL RESPECT THE INTEREST

OF HOST COUNTRIES IN MNC COMPLIANCE WITH THEIR LAWS AND
REGULATIONS. UNQTE RUSH

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<< END OF DOCUMENT >>

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